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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In re

Amendment of Section 73.202(b))
Table of Allotments) RM - _____
FM Broadcast Stations)
Susanville, California)

To: Office of the Secretary
Chief, Audio Division
Media Bureau

PETITION FOR RULE MAKING (Hybrid Filing)

Hilltop Church ("Hilltop"), licensee of non-commercial educational station KHGQ(FM) Quincy, California, by its attorneys, hereby petitions for rule making to amend Section 73.202(b) of the Commission's rules as part of a contingent hybrid application and rule making proceeding authorized by Section 1.420 of the rules as follows:

| <u>Community</u> | <u>Present</u> | <u>Proposed</u> |
|------------------|----------------|-----------------|
| Susanville, CA | 262A | 264A |

In Susanville, California 19 FCC Rcd 22022 (Med. Bur. 2004), the Commission allotted Channel 262A at Susanville, California. In order to accommodate the Susanville allotment, the Commission also substituted Channel 265A for Channel 262A at Quincy, California, and modified the KHGQ license to specify Channel 265A. Id.

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Contemporaneously herewith, Hilltop has submitted a construction permit application (File No. BPED-20070619AAJ) proposing to modify the KHGQ broadcast license to specify operation on Channel 262A. In order to accommodate the KHGQ CP application, this petition for rule making seeks to substitute Channel 264A for vacant and unapplied for Channel 262A at Susanville, California. In support thereof, the following is shown.

KHGQ has not yet commenced operations on Channel 265A, nor is it required to do so until the vacant Susanville allotment is prepared to commence operations. The Susanville allotment has not yet been set for FM Auction and it is unknown when that might occur or what the result will be. Susanville, Id., ordered the eventual Susanville permittee to reimburse KHGQ for the reasonable and prudent costs of changing KHGQ's channel to accommodate the Susanville allotment.

Hilltop Church is a not for profit organization which holds a non-commercial educational broadcast license for KHGQ, File BMLED-20050504AAN. As such, the station has limited and precious resources. The Commission recognizes the ongoing challenges of educational licensees in raising the necessary funds to provide non-commercial educational programming. Sound of Life, Inc., 4 FCC Rcd 8237 (1989). The channel change will cause the licensee to advance sizable funds and then seek reimbursement. Advancing

these funds will cut into funds which might otherwise be available for KHGQ programming and operations. Moreover, the change in frequency will cause disruption and confusion to listeners. The adverse financial impact, disruption, and confusion along with the uncertain channel change implementation schedule could all be eliminated by KHGQ remaining on Channel 262A.

The eventual Susanville permittee will have the added burden of reimbursing KHGQ's costs to change channel in addition to whatever auction bid the permittee will pay. This cost, which will be unknown at the time of the auction, may adversely affect the action bidding and curtail the ultimate high bid.

As the Commission is aware, disputes often develop as to the total amount of the reimbursement, and the Commission may be asked to resolve such disputes. Allowing KHGQ to retain channel 262A will eliminate the burden of identifying, negotiating and reimbursing those costs.

As the Susanville allotment is vacant and unapplied for, this rule making will have no adverse effect on that allotment and requires no change in reference coordinates.

Adopting Hilltop's proposal will serve the public interest by allowing KHGQ to retain channel 262A thus avoiding the unnecessary confusion and expense associated with changing the station's frequency. There will be no adverse consequence to the

vacant and unapplied for allotment at Susanville.

As shown by the attached engineering exhibit, Channel 262A may be allotted to Quincy and Channel 264A may be allotted to Susanville in compliance with the Commission's domestic minimum distance separation and city-grade service requirements.

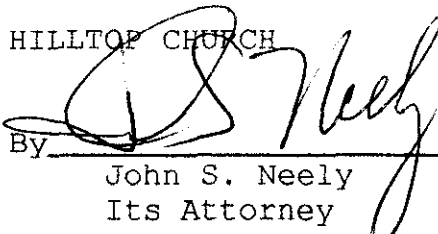
In view of the above, the Commission should amend Section 73.202(b) as follows:

| <u>Community</u> | <u>Present</u> | <u>Proposed</u> |
|------------------|----------------|-----------------|
| Susanville, CA | 262A | 264A |

Respectfully Submitted,

HILLTOP CHURCH

By


John S. Neely
Its Attorney

June 19, 2007

Miller and Neely, PC
6900 Wisconsin Ave., Suite 704
Bethesda, MD 20815

TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
PETITION FOR RULE MAKING
RADIO STATION KHGQ(FM)
QUINCY, CALIFORNIA

JANUARY 30, 2007

CH 262A 0.9 KW -343 M

TECHNICAL EXHIBIT
APPLICATION FOR FM CONSTRUCTION PERMIT AND
PETITION FOR RULE MAKING
RADIO STATION KHGQ(FM)
QUINCY, CALIFORNIA
CH 262A 0.9 KW -343 M

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TECHNICAL EXHIBIT
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RADIO STATION KHGQ(FM)
QUINCY, CALIFORNIA
CH 262A 0.9 KW -343 M

Technical Narrative

The technical exhibit of which this narrative is part was prepared in support of an application for radio station KHGQ(FM) licensed to Quincy, California to modify its allocation from Channel 265A back to its original Channel 262A allocation.

Summary of Proposal

- Substitute Channel 262A for Channel 265A [KHGQ(FM)] at Quincy, California.
- Substitute Channel 264A for Channel 262A for the Susanville, California vacant allotment.

This is a hybrid type of filing, with the first component being proposed in this herein Form 301 application and the last component being proposed in a contingently filed herein described Rule Making proposal.

KHGQ(FM) was ordered in MB Docket 04-164 from Channel 262A at Quincy to Channel 265A in order to accommodate the new allotment of Channel 262A at Susanville. This proposal seeks to modify the KHGQ(FM) and Susanville allotments so KHGQ(FM) can remain on its presently licensed channel.

KHGQ (FM) Component

Proposed Channel 262A Reference Location

Since the existing Channel 262A facility has a short-spacing to another station, a new theoretical fully-spaced allotment reference point is required to be demonstrated. The fully-spaced proposed Channel 262A, Quincy, California reference point is identified below:

39° 57' 30" North Latitude
120° 58' 15" West Longitude

Figure 1 is site map showing the proposed reference point location. Figure 2 is a tabulation of the allocation study. The proposed reference site is located only 3.1 kilometers from the center of the community of Quincy. Therefore, it is obvious that 70 dBu coverage over the entire community of Quincy can be provided from this site.

There is only a slight difference between the existing Channel 262A transmitter site and the herein proposed fully-spaced allotment reference point. Because of the slight site change, there are only 44 people within the gain area and 95 people within the loss area. There are at least 5 other aural services remaining to the proposed loss area serving 80 of the 95 people.¹ The remaining 15 people in the loss area have at least 3 remaining aural services providing service.

¹ The other services include KWLJ(FM) on Channel 255C0 at Chester, KNLF(FM) on Channel 240A at Quincy, KPJP(FM) on Channel 207C1 at Greenville, KDOT(FM) on Channel 283C at Reno and KOZZ-FM on Channel 289C at Reno.

Proposed Actual Transmitter Location

No change in the actual KHGQ(FM) transmitter site is proposed. A sketch showing the proposed antenna and supporting structure is shown on Figure 3.

Interference Concerns

The 115 dBu predicted "blanketing" contour of the existing station would extend radially less than 1 kilometer from the transmitting site. No interference is expected. However, the applicant recognizes its responsibility to resolve complaints of interference, including blanketing and receiver-induced interference as required by Sections 73.315(b), 73.316(e) and 73.318.

Coverage Contours

The predicted coverage contours for the proposed operation were calculated in accordance with the provisions of Section 73.313. In accordance with current FCC practice, the distances to the contours were calculated without consideration given to terrain roughness correction factors.

The average terrain elevations from 3 to 16 kilometers along eight radials evenly spaced at 45-degree intervals were obtained from a N.G.D.C. 30-second terrain database. The terrain elevations were then used in combination with the effective radiated power for determining the distances to coverage contours.

As can be calculated using the map shown in Figure 4, the FCC predicted 70 dBu coverage contour encompasses all of Quincy, California.

Allocation Study

Figure 5 is an allocation study for channel 262A at the proposed site. The figure contains a tabulation of actual and required separation distances from other pertinent stations and allotments. The proposed site meets the FCC's minimum separation requirements, specified in Section 73.207(b) of the Commission's Rules, to all assignments and stations except toward KTHX-FM on Channel 261C1 assigned to Dayton, Nevada. Section 73.215 processing is requested towards KTHX-FM at Dayton.

Radiofrequency Electromagnetic Field Exposure Analysis

The licensee will provide a current radiotfrequency electromagnetic survey of the ground level KHGQ(FM) transmitter site area demonstrating compliance with OET Bulletin 65 with the application for license.

It is noted that this statement only addresses the potential for radiofrequency electromagnetic field exposure. All other aspects of the environmental processing analysis will be or already have been provided to the FCC by the tower owner as part of the tower registration process.

.....
Vacant Susanville, CA Allotment Component

It is proposed to substitute Channel 264A for the vacant Channel 262A allotment at Susanville with no allotment reference coordinate modification. The proposed allotment reference coordinates for Channel 264A at Susanville, California:

40° 24' 59" North Latitude
120° 39' 07" West Longitude

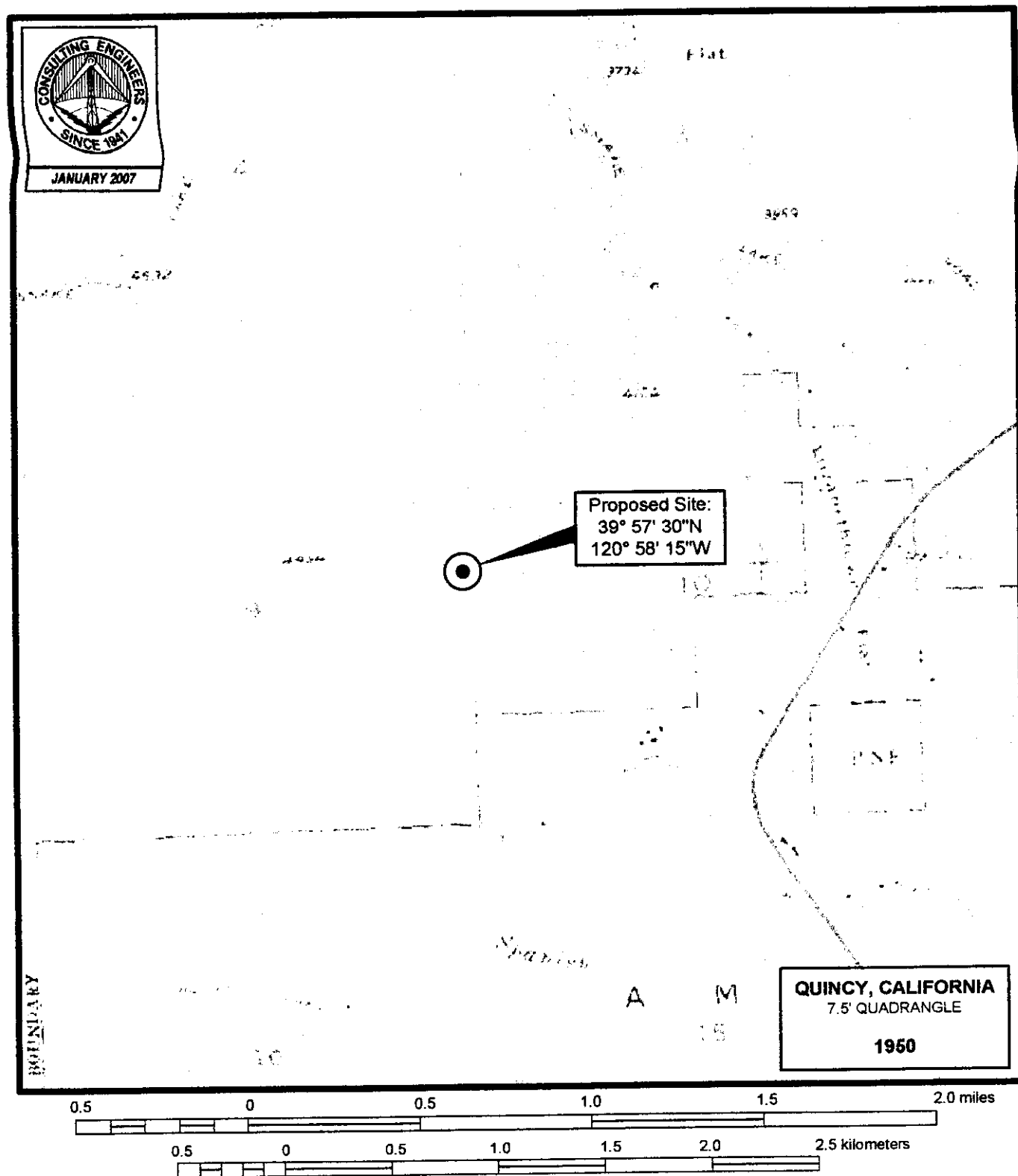
Figure 6 is an allocation study for the proposed Susanville allotment. Since there is no change proposed in the allotment reference coordinates, there is no loss/gain area analysis.

Charles A. Cooper

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
941.329.6000

January 30, 2007

Figure 1



PROPOSED REFERENCE ALLOCATION SITE

**RADIO STATION KHGQ(FM)
QUINCY, CALIFORNIA
CH 262A 0.9 KW -343 M**

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

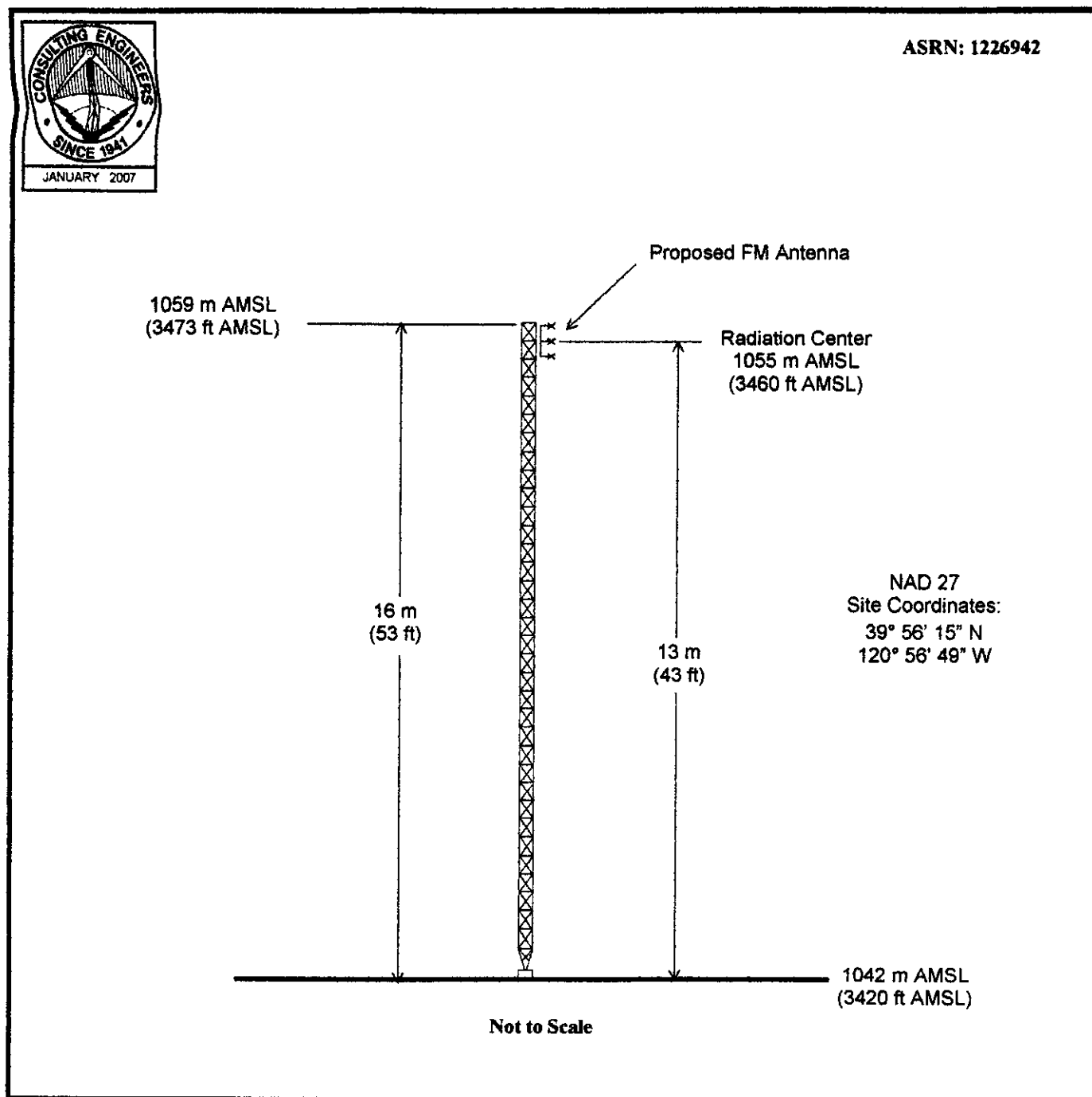
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QUINCY, CALIFORNIA
CH 262A 0.9 KW -343 M

Channel 262A Quincy, California Allocation Study
Proposed Reference Site

39° 57' 30" North Latitude
120° 58' 15" West Longitude

| Call Id | City St | Status | File Num | Channel Freq | ERP HAAT | DA Id | Latitude Longitude | 73 215 | Bear | Dist. (km) | Req. (km) |
|---|----------------|-------------|---------------------------|-----------------|-------------|----------|-----------------------|-----------|-------|---------------|--------------|
| KTOR 82891 | WESTWOOD CA | | BLH LIC C 20030515AAX | 259A 99.7 | 0.09 757 | N | 40-14-21 121-01-52 | N | 350.7 | 31.60 | 31.0 |
| KTHX-FM 48685 | DAYTON NV | | BLH LIC C 20020313AAA | 261C1 100.1 | 12.0 659 | Y | 39-15-34 119-42-21 | Y | 125.2 | 133.50 | 133.0 |
| KHGQ 31618 | QUINCY CA | | BMLD LIC C 20050504AAN | 262A 100.3 | 0.9 -343 | N | 39-56-15 120-56-49 | N | 138.7 | 3.09 | |
| (Applicant's existing facility.) | | | | | | | | | | | |
| | SUSANVILLE | RM | | 262A | | | 40-24-59 | | 27.9 | 57.66 | 115.0 |
| | CA | VAC C 10548 | | 100.3 | | | 120-39-07 | | | | |
| (Proposed to substitute Channel 264A for Channel 262A at Susanville, California.) | | | | | | | | | | | |
| | QUINCY | RM | | 265A | | | 39-56-15 | | 138.7 | 3.09 | 31.0 |
| | CA | RSV C 10548 | | 100.9 | | | 120-56-49 | | | | |
| (Applicant's ordered Channel 265A allotment.) | | | | | | | | | | | |

Figure 3



ANTENNA AND SUPPORTING STRUCTURE

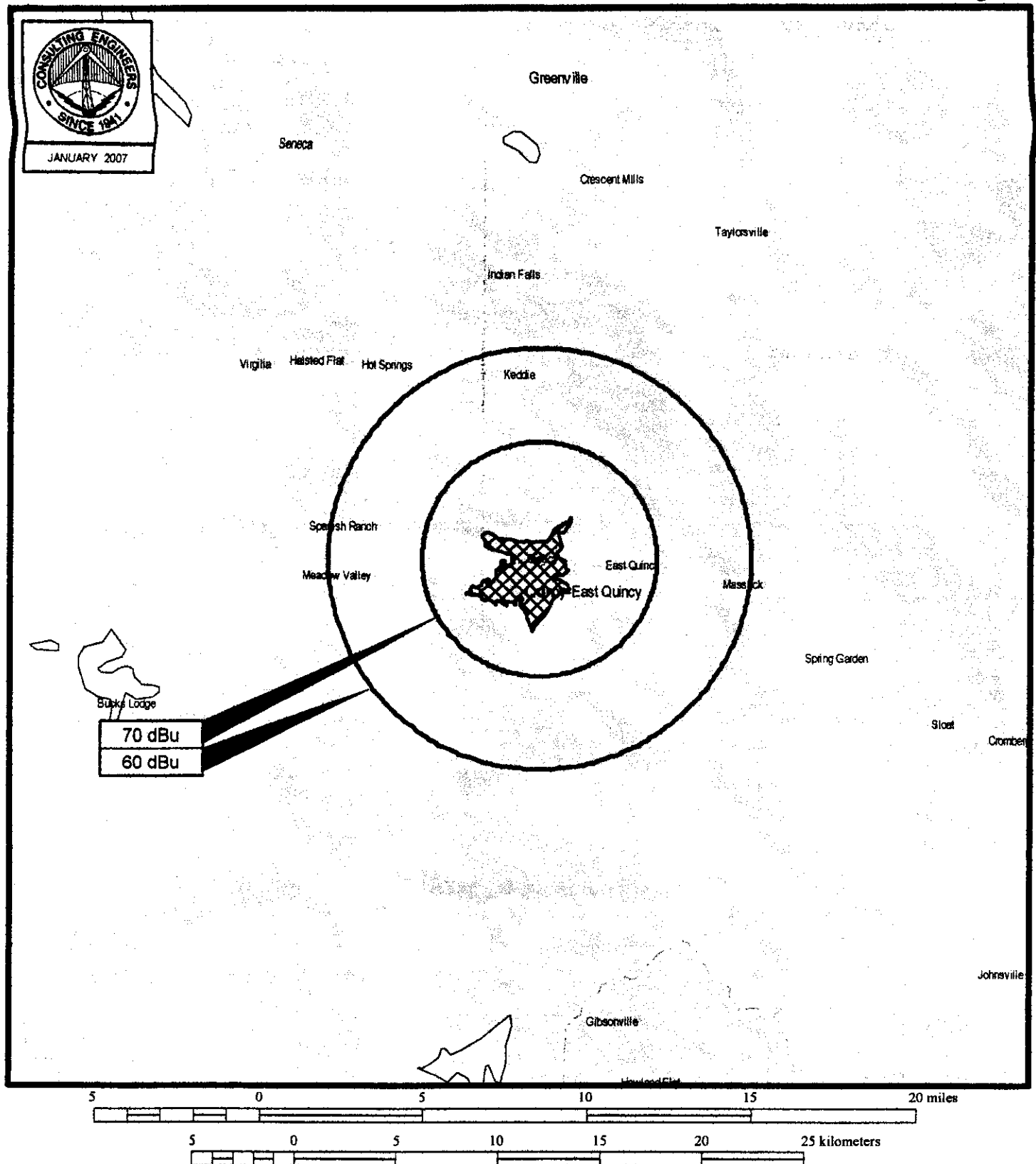
RADIO STATION KHGQ(FM)

QUINCY, CALIFORNIA

CH 262A 0.9 KW -343 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 2



FCC PREDICTED COVERAGE CONTOURS

**RADIO STATION KHGQ(FM)
QUINCY, CALIFORNIA
CH 262A 0.9 KW -343 M**

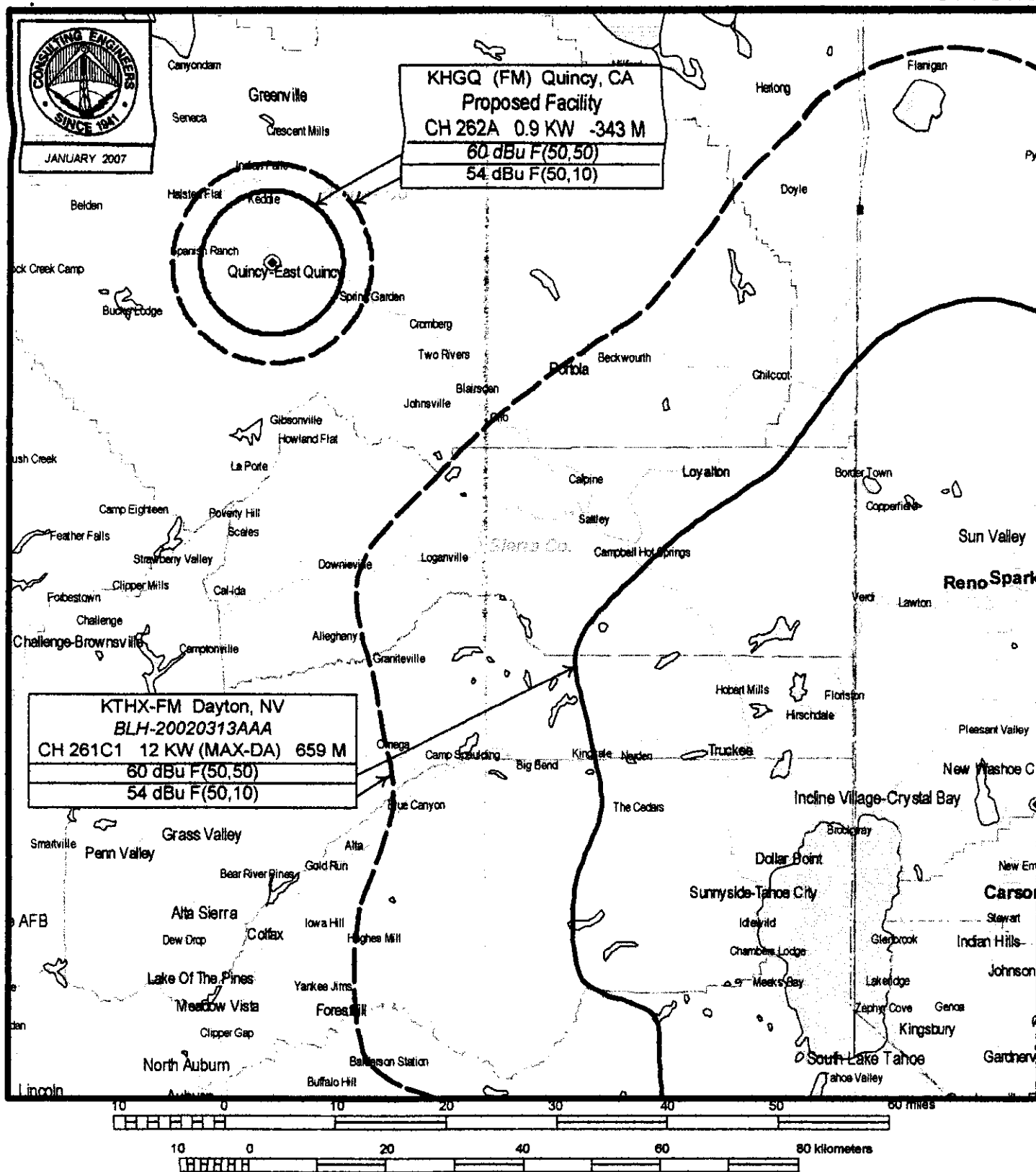
du Treil, Lundin & Rackley, Inc., Sarasota, Florida

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RADIO STATION KHGQ(FM)
QUINCY, CALIFORNIA
CH 262A 0.9 KW -343 M

Channel 262A Quincy, California Allocation Study
Existing KHGQ(FM) Transmitter Site

39° 56' 15" North Latitude
120° 56' 49" West Longitude

| Call Id | City St | File Status Num | Channel Freq | ERP HAAT | DA Id | Latitude Longitude | 73 215 | Bear | Dist. (km) | Req. (km) |
|---|------------------|---------------------------|-----------------|--------------|----------|-----------------------|-----------|-------|---------------|--------------|
| KTOR 82891 | WESTWOOD CA | BLH LIC C 20030515AAX | 259A 99.7 | 0.09 757 | N | 40-14-21 121-01-52 | N | 348.0 | 34.26 | 31.0 |
| KTHX-FM 48685 | DAYTON NV | BLH LIC C 20020313AAA | 261C1 100.1 | 12.0 659 | Y | 39-15-34 119-42-21 | Y | 124.9 | 130.51 | 133.0 |
| (Section 73.215 processing requested towards KTHX-FM on Channel 261C1 at Dayton, Nevada.) | | | | | | | | | | |
| KHGQ 31618 | QUINCY CA | BMLD LIC C 20050504AAN | 262A 100.3 | 0.9 -343 | N | 39-56-15 120-56-49 | N | 96.4 | 0.00 | 115.0 |
| (Applicant's existing facility.) | | | | | | | | | | |
| | SUSANVILLE | RM | 262A | | | 40-24-59 | | 25.1 | 58.81 | 115.0 |
| | CA | VAC C 10548 | 100.3 | | | 120-39-07 | | | | |
| (Proposed to substitute Channel 264A for Channel 262A at Susanville, California.) | | | | | | | | | | |
| KZZO 65481 | SACRAMENTO CA | BLH LIC C 19890807KA | 263B 100.5 | 115.0 100 | Y | 38-38-30 121-05-25 | N | 184.9 | 144.39 | 113.0 |
| | QUINCY | RM | 265A | | | 39-56-15 | | 96.4 | 0.00 | 31.0 |
| | CA | RSV C 10548 | 100.9 | | | 120-56-49 | | | | |
| (Applicant's ordered Channel 265A allotment.) | | | | | | | | | | |



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 RADIO STATION KHGQ(FM)
 QUINCY, CALIFORNIA
 CH 262A 0.9 KW -343 M

Channel 264A Susanville, California Allocation Study
Current Allotment Reference Site

40° 24' 59" North Latitude
 120° 39' 07" West Longitude

| Call Id | City St | File Status Num | Channel Freq | ERP HAAT | DA Id | Latitude Longitude | 73 215 | Bear | Dist. (km) | Req. (km) |
|--|------------|--------------------|-----------------|-------------|----------|-----------------------|-----------|-------|---------------|--------------|
| | SUSANVILLE | RM | 262A | | | 40-24-59 | | 90.0 | 0.00 | 31.0 |
| | CA VAC C | 10548 | 100.3 | | | 120-39-07 | | | | |
| (Present Channel 262A Susanville allotment.) | | | | | | | | | | |
| KHGQ | QUINCY | BMLD | 262A | 0.9 | N | 39-56-15 | N | 205.3 | 58.81 | 31.0 |
| 31618 | CA LIC C | 20050504AAN | 100.3 | -343 | | 120-56-49 | | | | |
| (Applicant's existing facility.) | | | | | | | | | | |
| KTHU | CORNING | BMLH | 264B | 50.0 | N | 39-53-17 | N | 251.4 | 178.24 | 178.0 |
| 52509 | CA LIC C | 19930910KE | 100.7 | 83 | | 122-37-38 | | | | |
| | QUINCY | RM | 265A | | | 39-56-15 | | 205.3 | 58.81 | 72.0 |
| | CA RSV C | 10548 | 100.9 | | | 120-56-49 | | | | |
| (Applicant's current allotment - proposed to substitute Channel 262A.) | | | | | | | | | | |